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SENATE BILL 2139

By Henry

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 16, relative to notaries public.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 16, Part 3, is hereby amended by adding the following new section:

(a) A notary public who **is** not an attorney licensed to practice law in this state who advertises the person's services in a language other than English by radio, television, signs, pamphlets, newspapers, other written communication, or in any other manner, shall post or otherwise include with the advertisement the notice set forth in this subsection in English and in the language used for the advertisement. The notice shall be of conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF TENNESSEE, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(b) A notary public who is not an attorney licensed to practice law in this state is prohibited from representing or advertising that the notary public is an "immigration consultant" or expert on immigration matters unless the notary public is an accredited representative of an organization recognized by the Board of Immigration Appeals pursuant to Title 8, Part 292, Section 2(a-e) of the Code of Federal Regulations (8 CFR 292.2(a-e)).

(c) A notary public who is not an attorney licensed to practice law in this state is prohibited from rendering any service that constitutes the unauthorized practice of law.

(d) A notary public required to comply with subsection (a) shall prominently post at the notary public's place of business a schedule of fees established by law, which a notary public may charge. The fee schedule shall be written in English and in the non-English language in which the notary services were solicited, and shall contain the notice required in subsection (a), unless the notice is otherwise prominently posted at the notary public's place of business.

(e) Any official who has authority to initiate ouster proceedings against a notary public may seek injunctive relief against any notary public who violates the provisions of this section.

(f) Any violations of the provisions of this section shall also be considered unlawful acts or practices subject to the provisions of the Tennessee Consumer Protection Act of 1977, as amended.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.